IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4472 OF 2004

Narayan Punja Borade ...Petitioner
Vs.
Union of India and Ors. 4 ...Respondents

Miss. Tendulkar for Mr. Karnik for Petitioners
Mr. Suresh Kumar for Respondent Nos. 2 to 4

CORAM: H.L.GOKHALE &
S.P.KUKDAY,JJ.
DATED: 13TH JUNE, 2005

P.C.

1. Heard Miss. Tendulkar for Mr. Karnik for Petitioner. Mr. Suresh Kumar appears for Respondent Nos. 2 to 4. The Petitioner was working as non/combantants in the Air Force. He worked as a Dhobi (Washerman). He opted for a discharge from 30th June, 1985, by which day he had not completed 20 years of service. He was therefore, not given the benefit of pension and other benefits which are available to persons retiring voluntarily or seeking discharge after completing services of twenty years.

2. He initially filed application before the Central Administrative Tribunal, Mumbai bearing No.827 of 1996. The Tribunal noted that since he had not completed his twenty years qualifying service he could not get the benefits. This was the second finding rendered by the Tribunal, first finding being that the Petitioner could not have filed the Proceedings before the Tribunal in view of the bar under Section 2(a) of

Administration Tribunal Act, 1985, since he was a non-combatant enrollee under Air Force Act governed by the said Act. It is in these circumstances the present Petition is filed. Petition does not seek to challenge the order of Tribunal. The Petition seeks that this Court should exercise the jurisdiction. However, as stated above on merits the above referred difficulty remains namely that the Petitioner has not completed twenty years of qualifying service. Miss. Tendulkar submits that with effect from 1st January, 1986 a beneficial scheme for retirement after fifteen years of service has been introduced. Whether the Petitioner is covered under that, in the present case he has sought a discharge on 1st July, 1985 i.e. prior to the scheme coming into force. He is not eligible for that benefit either.

3. We note his predicament, but we cannot bend the Rules for this purpose. The Petition is therefore rejected.

(H.L.GOKHALE,J.)

(S.P.KUKDAY,J.)